

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2304

Introduced by Assembly Member Huffman

February 19, 2010

An act to amend Section 65352.5 of the Government Code, and to amend Sections 10752, 10753.7, and 10753.8 of the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 2304, as amended, Huffman. Groundwater management plans: components.

Existing

(1) *Existing* law authorizes specified local agencies that provide water service to adopt and implement a groundwater management plan. Existing law requires a *local agency seeking specified state funds to include in a* groundwater management plan that is adopted pursuant to that authority ~~to include~~ various components, including components relating to the monitoring and management of groundwater levels within the groundwater basin. Existing law authorizes a groundwater management plan to additionally include other components relating to, among other things, identification and management of wellhead protection areas and recharge areas, replenishment of groundwater, and review of land use plans and coordination with land use planning agencies.

This bill would add coordination with local planning agencies to develop and implement land use strategies that protect ~~priority~~ *prime* recharge areas to the list of authorized components of a groundwater management plan.

The bill also would add to the list of components that are required to be included in a groundwater management plan for the specified funding purposes, an identification and map of prime recharge areas, as defined, for the groundwater basin and identification of potential threats to the capability of those areas to replenish high-quality groundwater.

(2) Existing law establishes in each city and county a planning agency and imposes various requirements on cities and counties with respect to the preparation, adoption, and amendment of general plans and elements of general plans. Existing law requires a public water system, as defined, with 3,000 or more service connections, upon receiving notification of a city's or county's proposed action to adopt or substantially amend a general plan, to provide the local planning agency with specified information pertaining to existing and future water supplies.

This bill would additionally require a public water system that is subject to those requirements to provide a description of prime recharge areas and potential threats to those recharge areas identified in groundwater management plans or programs.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65352.5 of the Government Code is
2 amended to read:

3 65352.5. (a) The Legislature finds and declares that ~~it is vital~~
4 ~~that there be~~ close coordination and consultation between
5 California's water supply agencies and California's land use
6 approval agencies *is vital* to ensure that proper water supply
7 planning occurs in order to accommodate projects that will result
8 in increased demands on water supplies.

9 (b) It is, therefore, the intent of the Legislature to provide a
10 standardized process for determining the adequacy of existing and
11 planned future water supplies to meet existing and planned future
12 demands on these water supplies.

13 (c) Upon receiving, pursuant to Section 65352, notification of
14 a city's or a county's proposed action to adopt or substantially
15 amend a general plan, a public water system, as defined in Section
16 116275 of the Health and Safety Code, with 3,000 or more service

connections, shall provide the planning agency with the following information, as is appropriate and relevant:

(1) The current version of its urban water management plan, adopted pursuant to Part 2.6 (commencing with Section 10610) of Division 6 of the Water Code.

(2) The current version of its capital improvement program or plan, as reported pursuant to Section 31144.73 of the Water Code.

(3) A description of the source or sources of the total water supply currently available to the water supplier by water right or contract, taking into account historical data concerning wet, normal, and dry runoff years.

(4) A description of the quantity of surface water that was purveyed by the water supplier in each of the previous five years.

(5) A description of the quantity of groundwater that was purveyed by the water supplier in each of the previous five years.

(6) A description of all proposed additional sources of water supplies for the water supplier, including the estimated dates by which these additional sources should be available and the quantities of additional water supplies that are being proposed.

(7) A description of the total number of customers currently served by the water supplier, as identified by the following categories and by the amount of water served to each category:

(A) Agricultural users.

(B) Commercial users.

(C) Industrial users.

(D) Residential users.

(8) Quantification of the expected reduction in total water demand, identified by each customer category set forth in paragraph (7), associated with future implementation of water use reduction measures identified in the water supplier's urban water management plan.

(9) A description of prime recharge areas, as defined in Section 10752 of the Water Code, and potential threats to those areas that have been identified in a groundwater management plan adopted by a local agency pursuant to Section 10753.7 of the Water Code or any other specific authorization for groundwater management, or identified by a watermaster pursuant to a court order, judgment, or decree.

~~(9)~~

(10) Any additional information that is relevant to determining the adequacy of existing and planned future water supplies to meet existing and planned future demands on these water supplies.

SEC. 2. Section 10752 of the Water Code is amended to read:

10752. Unless the context otherwise requires, the following definitions govern the construction of this part:

(a) “Groundwater” means all water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water which flows in known and definite channels.

(b) “Groundwater basin” means any basin identified in the department’s Bulletin No. 118, dated September 1975, and any amendments to that bulletin, but does not include a basin in which the average well yield, excluding domestic wells that supply water to a single-unit dwelling, is less than 100 gallons per minute.

(c) “Groundwater extraction facility” means ~~any~~ a device or method for the extraction of groundwater within a groundwater basin.

(d) “Groundwater management plan” or “plan” means a document that describes the activities intended to be included in a groundwater management program.

(e) “Groundwater management program” or “program” means a coordinated and ongoing activity undertaken for the benefit of a groundwater basin, or a portion of a groundwater basin, pursuant to a groundwater management plan adopted pursuant to this part.

(f) “Groundwater recharge” means the augmentation of groundwater, by natural or artificial means, with surface water or recycled water.

(g) “Local agency” means ~~any~~ a local public agency that provides water service to all or a portion of its service area, and includes a joint powers authority formed by local public agencies that provide water service.

(h) “Prime recharge area” means an area in which the surface topography, subsurface geologic composition and structures, and rates of water infiltration render the area a principal contributor to the replenishment of the groundwater basin, either under natural conditions, artificially augmented groundwater recharge, or both.

~~(h)~~

1 (i) "Recharge area" means the area that supplies water to an
2 aquifer in a groundwater basin and includes multiple wellhead
3 protection areas.

4 (i)

5 (j) "Watermaster" means a watermaster appointed by a court
6 or pursuant to other provisions of law.

7 (j)

8 (k) "Wellhead protection area" means the surface and subsurface
9 area surrounding a water well or well field that supplies a public
10 water system through which contaminants are reasonably likely
11 to migrate toward the water well or well field.

12 *SEC. 3. Section 10753.7 of the Water Code is amended to read:*

13 10753.7. (a) For the purposes of qualifying as a groundwater
14 management plan under this section, a plan shall contain the
15 components that are set forth in this section. In addition to the
16 requirements of a specific funding program, ~~any~~ a local agency
17 seeking state funds ~~administered by the department~~ for the
18 construction of groundwater projects or groundwater quality
19 projects, excluding programs that are funded under Part 2.78
20 (commencing with Section 10795), shall do all of the following:

21 (1) Prepare and implement a groundwater management plan
22 that includes basin management objectives for the groundwater
23 basin that is subject to the plan. The plan shall include components
24 relating to the monitoring and management of groundwater levels
25 within the groundwater basin, groundwater quality degradation,
26 inelastic land surface subsidence, and changes in surface flow and
27 surface water quality that directly affect groundwater levels or
28 quality or are caused by groundwater pumping in the basin.

29 (2) ~~For the purposes of carrying out implementing~~ paragraph
30 (1), the local agency shall prepare a plan to involve other agencies
31 that enables the local agency to work cooperatively with other
32 public entities whose service area or boundary overlies the
33 groundwater basin.

34 (3) ~~For the purposes of carrying out implementing~~ paragraph
35 (1), the local agency shall prepare a map that details the area of
36 the groundwater basin, as defined in the department's Bulletin No.
37 118, and the area of the local agency, that will be subject to the
38 plan, as well as the boundaries of other local agencies that overlie
39 the basin in which the agency is developing a groundwater
40 management plan.

1 (4) (A) For purposes of implementing paragraph (1), the
2 groundwater management plan shall include an identification and
3 map of the prime recharge areas for the groundwater basin and
4 identification of any potential threats to the capability of the prime
5 recharge areas to continue to replenish high-quality groundwater
6 due to future changes in land use, urban development, or instream
7 flow modifications.

8 (B) The local agency shall provide the information required
9 pursuant to subparagraph (A) to the appropriate local planning
10 agencies to assist in the development of the open-space element
11 of the general plan and future land use and zoning decisions.

12 (C) For purposes of this paragraph, “map of the prime recharge
13 areas” means a surface map of prime recharge areas that identifies
14 topography, surface water features, vegetation, and overlying land
15 uses.

16 (4)

17 (5) The local agency shall adopt monitoring protocols that are
18 designed to detect changes in groundwater levels, groundwater
19 quality, inelastic surface subsidence for basins for which
20 subsidence has been identified as a potential problem, and flow
21 and quality of surface water that directly affect groundwater levels
22 or quality or are caused by groundwater pumping in the basin. The
23 monitoring protocols shall be designed to generate information
24 that promotes efficient and effective groundwater management.

25 (5)

26 (6) Local agencies that are located in areas outside the
27 groundwater basins delineated on the latest edition of the
28 department’s groundwater basin and subbasin map shall prepare
29 groundwater management plans incorporating the components in
30 this subdivision, and shall use geologic and hydrologic principles
31 appropriate to those areas.

32 (7) The local agency shall update the groundwater management
33 plan required by this subdivision at least once every five years on
34 or before December 31, in years ending in zero and five.

35 (b) (1) (A) A local agency may receive state funds administered
36 by the department for the construction of groundwater projects or
37 for other projects that directly affect groundwater levels or quality
38 if it prepares and implements, participates in, or consents to be
39 subject to, a groundwater management plan, a basinwide
40 management plan, or other integrated regional water management

1 program or plan that meets, or is in the process of meeting, the
2 requirements of subdivision (a). A local agency with an existing
3 groundwater management plan that meets the requirements of
4 subdivision (a), or a local agency that completes an upgrade of its
5 plan to meet the requirements of subdivision (a) within one year
6 of applying for funds, shall be given priority consideration for state
7 funds administered by the department over local agencies that are
8 in the process of developing a groundwater management plan. The
9 department shall withhold funds from the project until the upgrade
10 of the groundwater management plan is complete.

11 (B) Notwithstanding subparagraph (A), a local agency that
12 manages groundwater under any other provision of existing law
13 that meets the requirements of subdivision (a), or that completes
14 an upgrade of its plan to meet the requirements of subdivision (a)
15 within one year of applying for funding, shall be eligible for
16 funding administered by the department. The department shall
17 withhold funds from a project until the upgrade of the groundwater
18 management plan is complete.

19 (C) Notwithstanding subparagraph (A), a local agency that
20 conforms to the requirements of an adjudication of water rights in
21 the groundwater basin is in compliance with subdivision (a). For
22 purposes of this ~~section~~ *subparagraph*, an “adjudication” includes
23 an adjudication under Section 2101, an administrative adjudication,
24 and an adjudication in state or federal court.

25 (D) Subparagraphs (A) and (B) do not apply to proposals for
26 funding under Part 2.78 (commencing with Section 10795), or to
27 funds authorized or appropriated prior to September 1, 2002.

28 (2) Upon the adoption of a groundwater management plan in
29 accordance with this part, the local agency shall submit a copy of
30 the plan to the department, in an electronic format, if practicable,
31 approved by the department. The department shall make available
32 to the public copies of the plan received pursuant to this part.

33 **SECTION 4.**

34 *SEC. 4.* Section 10753.8 of the Water Code is amended to read:

35 10753.8. A groundwater management plan may include
36 components relating to all of the following:

- 37 (a) The control of saline water intrusion.
38 (b) Identification and management of wellhead protection areas
39 and recharge areas.
40 (c) Regulation of the migration of contaminated groundwater.

- 1 (d) The administration of a well abandonment and well
2 destruction program.
- 3 (e) Mitigation of conditions of overdraft.
- 4 (f) Replenishment of groundwater extracted by water producers.
- 5 (g) Monitoring of groundwater levels and storage.
- 6 (h) Facilitating conjunctive use operations.
- 7 (i) Identification of well construction policies.
- 8 (j) The construction and operation by the local agency of
9 groundwater contamination cleanup, recharge, storage,
10 conservation, water recycling, and extraction projects.
- 11 (k) The development of relationships with state and federal
12 regulatory agencies.
- 13 (l) The review of land use plans and coordination with land use
14 planning agencies to assess activities that create a reasonable risk
15 of groundwater contamination.
- 16 (m) Coordination with local planning agencies to develop and
17 implement land use strategies that protect ~~priority~~ *prime* recharge
18 areas.